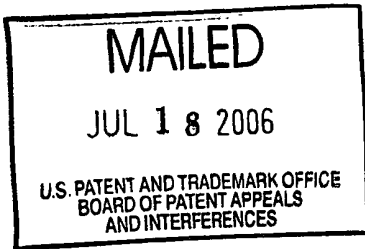


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte KRAMADHATI V. RAVI,
KENT ROSSMAN, TURGUT SAHIN
and
PRAVIN NARWANKAR

Application 09/362,504

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that appellants filed an Appeal Brief on November 30, 2005. In response, an Examiner's Answer was mailed on February 23, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

(9) Grounds of Rejection. For each ground of rejection maintained by the examiner and each new ground of rejection (if any) an explanation of the ground of rejection.

. . . .

(c) For each rejection under 35 U.S.C. 102, the examiner's answer must explain why the rejected claims are anticipated or not patentable under 35 U.S.C. 102, pointing out where all of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection.

(d) for each rejection under 35 U.S.C. 103, the examiner's answer must:

(i) state the ground of rejection and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on in the rejection,

(ii) identify the differences between the rejected claims and the prior art relied on (i.e., the primary reference), and

(iii) explain why it would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified the primary reference to arrive at the claimed subject matter.

(e) For each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art even after the examiner complies with the requirements of paragraphs (c) and (d) of this section, the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claims side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 2 under the caption "Evidence Relied Upon"], the claim rejections are listed as follows:

1. Claim 16 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jin Onuki et al [page 3];

2. Claims 17-19, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys et al (USPat 4,500,408) in view of Jin Onuki et al [page 3];

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li, Shijian et al (USPat. 5,772,771 A) in view of Jin Onuki et al [page 3];

4. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, Shijian et al (USPat. 5,77,2771 A) [sic] and Jin Onuki et al in view of Boys et al (USPat. 4,500,408) [page 3];

5. Claims 23, 24, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin Onuki et al in view of Matsura (USPat. 5,319,247) [page 3]; and

6. Claims 25-30, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boys et al (USPat. 4,500,408) and Jin Onuki et al in view of Li, Shijian et al (USPat. 5,772,771 A) [page 3] [footnote omitted].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" and "Grounds of Rejection" sections; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Deputy Chief Appeal Administrator
(571) 272-9797

DMS:psb

Townsend and Townsend and Crew LLP/AMAT
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834